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In re Application of: Donghui QU
Application No. 09/321,611
Attorney Docket No. 2925-0272P
Filed: May 28, 1999
For: METHOD AND APPARATUS FOR
CALCULATING THE REMAINDER OF A
MODULO DIVISION

)
) DECISION ON PETITION TO
) WITHDRAW HOLDING OF
) ABANDONMENT UNDER 37 CFR
) §1.181
)
)

This is a decision on the petition, filed July 31, 2002 and resubmitted on June 27, 2006, requesting the Withdrawal of the Holding of Abandonment of the above-identified application, under 37 CFR §1.181. The instant application was held abandoned for failure to timely pay the issue fee due in response to the Notice of Allowance and Fee(s) Due (PTOL-85) mailed March 12, 2002. The three-month statutory period for response expired on June 12, 2002. A notice of abandonment was mailed on July 23, 2002.

According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

- 1) *a statement from practitioner that the Office action was not received,*
- 2) *a statement from practitioner that the file jacket and docket records were searched,*
- 3) *a copy of the docket record at the address of record, and*
- 4) *a reference to the docket record in the practitioner's statement.*

In support of the petition, applicants' representative provides a statement that the Notice of Allowance and Fee(s) Due was not received and that a search of the file jacket and docket records has been performed. Petitioner has also submitted a copy of the docket record at the address of record as well as a reference to the docket record in practitioner's statement.

Petitioner has established non-receipt of the Office action according to the requirements set forth above. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment, before **REDATING and REMAILING** the Notice of Allowance and Issue Fees Due to Applicant.

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